

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

PARIS FULTON,

Defendant.

22-CR-49-02 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:


Sentencing of defendant Paris Fulton is scheduled for Monday, May 1, 2023, at 11:00 a.m. In preparing for sentencing, the Court has alerted to a significant factual difference in the parties' accounts of Mr. Fulton's offense. The Government contends that Mr. Fulton, unlike his employee/co-defendants Rashiem Council and Terrence McKee, demonstrably knew on January 11, 2022 that he and Messrs. Council and McKee would be receiving drugs and drug money from Michael Garcia, and transporting these. The basis for these representations are various statements to this effect made by Mr. Fulton in his post-arrest interview. The defense denies that Mr. Fulton knew that drugs and drug money were in the bags taken from Mr. Garcia's apartment. The defense's factual basis for denying such knowledge is not clear from its submission.

The Court views this disputed fact, if established, as highly material to Mr. Fulton's sentencing and as significantly differentiating his situation from those of Mr. Council and Mr. McKee. The Court is prepared, based on Mr. Fulton's statements in his post-arrest interview, to find this fact in favor of the Government. However, Mr. Fulton has a right to contest this fact. Accordingly, absent agreement between the parties on this point, the May 1 sentencing

proceeding will begin with a *Fatico* hearing. The Court expects that the Government will offer Mr. Fulton's post-arrest statement (and any other evidence bearing on its position). The defense may then offer such evidence as it wishes bearing on this point. The Court will then hear argument from counsel on this issue. Depending on the duration of the hearing, on whether the Court is able to resolve this factual dispute immediately, and on counsel's preferences, the Court will either immediately thereafter complete Mr. Fulton's sentencing, or briefly reschedule it, likely for later in the week.

To assist the Court in its preparation, the Court asks that counsel, by 5:00 p.m. on Friday, April 28, 2023, file a joint letter on the docket of the case stating whether or not a *Fatico* hearing on May 1 will be necessary, and if so, concretely identifying the evidence to be offered at that hearing.

SO ORDERED.



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PAUL A. ENGELMAYER  
United States District Judge

Dated: April 27, 2023  
New York, New York